

### **REMARKS**

This responds to the Office Action mailed on June 18, 2007.

No claims are amended, cancelled, or added; as a result, claims 1-22 remain pending in this application.

#### **§112 Rejection of the Claims**

Claims 21 and 22 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement.

Applicant respectfully points out that claims 21 and 22 are supported by the specification as originally filed. The Examiner's understanding of the claim meaning is essentially correct, and this meaning is supported by the specification such as at p. 4, ln. 9-11, which describe continuous play of a track along with fading in and out to maintain track rhythm between reel spins. A more detailed example is given on p. 4, ln. 19-25, including fading to very quiet levels or fading out completely while the track continues to play inaudibly.

#### **§102 Rejection of the Claims**

Claims 1, 2, 4-10, 12-18 and 20 were rejected under 35 U.S.C. § 102(e) for anticipation by Hecht et al. (U.S. Publication No. 2003/0073491A1).

Applicant respectfully disagrees that Hecht teaches an audio module operable to maintain audio track rhythm over multiple reel spins, and notes that the cited portion of Hecht teaches away from such an audio presentation.

More specifically, the cited paragraph 80 recites "gaming device 10...continues to play the same sound file throughout the remainder of the random number generation display, as indicated by block 130". The description is provided with reference to element 130 of the flowchart of Figure 5, which illustrates how a random generation display, also called a wheel spin (see, e.g. paragraph 84, first sentence), begins each time after a player selects the spin button at 122, and does not continue between wheel spins.

The remainder of the description of Figure 5 clearly supports this, such as at paragraph 83 which makes clear that "beginning the play of a sound file as indicated by block 124" occurs

during each reel spin or random number generation display event. Paragraphs 83 and 84 go on to discuss changes that can be made between spins, so that the next time a reel spin or random generation display event is initiated and the sound file is replayed it is presented differently or with various parameters reset.

Examination of Figure 5 further indicates that random generation display and the accompanying audio start only after the player selects the reel spin button, and begins again separately every time the player selects to replay at 134.

Hecht therefore does not anywhere discuss maintaining a rhythm across multiple reel spins, but discusses only separate presentation of an audio track during each reel spin or random generation display event. Other claimed techniques such as fading in and out of a continuously playing audio track to maintain rhythm are not contemplated in Hecht, nor is any other example of maintaining rhythm between multiple reel spins in a wagering game machine.

Because Hecht fails to consider maintaining rhythm between reel spins in a wagering game machine, the above-referenced claims and their dependents are believed to be in condition for allowance. Reexamination and allowance of pending claims 1-22 is therefore respectfully requested.

### §103 Rejection of the Claims

Claims 3 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hecht et al. (U.S. Publication No. 2003/0073491A1) in view of Bates et al. (U.S. Publication No. 2003/0130020A1).

Claim 19 was rejected under 35 U.S.C § 103(a) as being unpatentable over Hecht et al. (U.S. Publication No. 2003/0073491A1) in view of Tsukahara (U.S. Patent No. 6,416,411).

Applicant believes these claims to be in condition for allowance as dependent from base claims that are allowable as explained above, and for the reasons previously presented. Reexamination and allowance of these claims is therefore further respectfully requested.

### **CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/764,740

Filing Date: January 26, 2004

Title: GAMING DEVICE HAVING CONTINUOUS RHYTHM REEL SOUND

Page 9

Dkt: 1842.013US1


Respectfully submitted,

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By his Representatives,

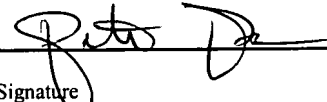
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Date Aug. 20 '07

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20 day of August 2007.

Peter Rebuffoni  
Name

  
Signature